At paragraphs 1-2 of the Office Action, the examiner noted that the limitation "the control program" in Claim 9 had insufficient antecedent basis. Claim 9 has been amended to include the word "pre-existing" prior to the term "control program," thus giving the limitation an antecedent basis in Claim 1.

At paragraphs 3-4, the examiner rejected claims 1-10, 12, 20-23 and 29-33 under 35 U.S.C. § 103 as obvious in light of Doiron et al (Doiron), WO 98/23050 and Shah, U.S. Patent No. 6,029,065 issued February 22, 2000.

Briefly, the present invention is directed to a novel approach to reprogramming wireless subscriber terminals (WSTs) in a wireless system in a way that avoids the use of voice channels and does not require a continuous, uninterrupted connection to the broadcast channel. The invention achieves this through the use of a control channel to reprogram the WSTs in four general steps: (1) initialization, (2) program broadcast, (3) verification, and (4) switchover. (page 8, lines 10-12).

As described in the illustrated embodiment, the initialization step involves transmitting program information from a base station to the WSTs, and subsequently receiving information from each individual WST whether it will participate in the control program broadcast, with each individual WST making its own determination whether to participate. Next, the base station broadcasts the control program in segmented data blocks. Upon completion of the program broadcast, the base station requests a status report from each of the participating terminals. In response, each WST indicates whether it has received a complete transmission, and if not which data blocks are missing. The base station can then re-transmit the missing data blocks to the individual WSTs regardless of where the data blocks fit within the sequence. Once each WST has received the completed new control program, it verifies

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the new control program's functionality and switches control to the new control program. (page 8, line 13 – page 13, line 9).

This method recognizes the potential for interruption during a transmission by, for example, radio interference, powering down, or movement by a WST beyond the base station range. Accordingly, the method explicitly allows for any potential interruption by polling individual WSTs and re-transmitting their respective missing data blocks. (page 4, lines 3-10).

All of the claims recite this concept.

In contrast, the cited reference, Doiron, does not teach a method of reprogramming using an individualized initialization that allows individual recipient terminals to determine whether to participate in a reprogramming, nor does it teach a method of sending data blocks that allows the receipt data blocks in a non-sequential manner.

True, Doiron teaches the reprogramming of mobile radios from a base station. However, Doiron's approach seeks to achieve a different objective. It is directed at eliminating point-to-point transmissions between a base station and mobile radios through the use of multiple broadcast initialization. (page 8, last paragraph). Therefore, Doiron teaches away from Applicant's use of a control channel to communicate with individual WSTs.

Specifically, Doiron teaches a multiple broadcast of an initialization message that assumes a given mobile radio will likely receive one of the initialization messages. Once the multiple broadcast initialization has ended, the mobile radios are reprogrammed by sequentially receiving data packets (page 19, last paragraph). Applicant's invention accomplishes reprogramming without regard to the sequential receipt of the data packets. Thus, unlike

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Doiron, Applicant's invention allows correction for any dropped data blocks or for broadcast disconnect by re-broadcasting missing packets rather than restarting the entire broadcast sequence. Therefore, Doiron neither discloses or suggests Applicant's method of reprogramming a WST including "re-transmitting select missing data blocks to each recipient terminal in response to the individual status messages sent from each recipient terminal that indicate an incomplete transmission and the specific data blocks needed."

The other prior art reference cited by the Examiner, Shah, teaches the remote reprogramming of feature codes, specifically conversion of network feature codes in mobile stations over a control channel. Shah does not, however, disclose the replacement of a control program itself, which is used in the microprocessor to control initialization and operation of the hardware in a WST. Applicant recognized prior art such as Shah on Page 2, line 19- Page 3, line 3, describing prior art that discloses the reprogramming of WST features, but not the replacement of the control program. The control program is ordinarily installed by the WST manufacturer before delivery. (Page 2, lines11-18). Thus, Shah does not disclose nor suggest, either alone or in combination with Doiron, Applicant's method of reprogramming a WST.
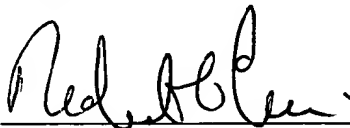
In addition, the examiner rejected Applicant's other claims under 35 U.S.C. § 103, citing various combinations of Doiron, Shah, U.S. Patent No. 6,167,257 to Lahdemaki, and U.S. Patent 5,794,141, to Zicker; and under 35 U.S.C. § 102 citing Doiron. Applicant has found nothing in these references that either alone or in combination, that discloses or suggests Applicant's method of reprogramming a control program in a WST that allows the re-transmission of select missing data blocks and direct initialization. Therefore, Applicant be-

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lieves that the independent claims define patentable subject matter, as do the claims that depend on them.

Favorable action is respectfully solicited.

Please charge any additional fee occasioned by this paper to our Deposit Account No. 03-1237.

Respectfully submitted,

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